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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,072	03/05/2002	Thomas Joseph Moran	476-2098	6705

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,072

Applicant(s)

MORAN ET AL.

Examiner

Sanh D. Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to the Amendment filed on 3/3/05.

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1–18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jarvi et al (20030069032) (newly-cited).

–Regarding to claim 1, see figures 1 and 3–6 and sections [0016–0023], Jarvi et al discloses a method of automatically accessing a service provider (115, 120) (see figure 1) on the basis of radio data system (RDS) information provided in a pre-specified template format and received as an encoded RIDS data signal

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which is carried in conjunction with the normal encoded audio radio signal from a radio frequency broadcast (135) (see figure 1) wherein said method comprises:

step (305) (see figure 3) of receiving said radio frequency broadcast using an RDS radio receiver and extracting said RDS information on the basis of said pre-specified template format;

step (110) (see figure 1) of creating a message (125) on the basis of at least some of said RDS information;

step (110) (see figure 1) of sending said message to the service provider using either a pre-specified address or an address provided in the RDS information (see also figures 5 and 6).

-Regarding to claim 2, Jarvi et al discloses that said service provider comprises a contact centre (115) (see figure 1).

-Regarding to claim 3, Jarvi et al discloses that said message is sent to the service provider using a medium (325) (see figure 3) selected from: email, telephone and short message service (see section [0023]).

-Regarding to claim 4, Jarvi et al discloses that said medium is provided using wireless application protocol (WAP)(see section [0023]).

-Regarding to claim 5, Jarvi et al discloses that said RDS information comprises an identifier (see figure 5) which identifies a radio station which provided the radio frequency broadcast.

-Regarding to claim 6, Jarvi et al discloses that said RDS information comprises an identifier (see figure 5) associated with audio information provided by said radio frequency broadcast.

-Regarding to claim 7, Jarvi et al discloses that said identifier is associated with any one of a piece of music, an artist, an enterprise, or an advertisement (see figure 5).

-Regarding to claim 8, Jarvi et al discloses step (435, 445) (see figure 4) of presenting at least some of said extracted RDS information to a user and receiving an associated user input, and step (445, 450) (see figure 4) of creating the message such that it comprises information about the user input.

-Regarding to claim 9, Jarvi et al discloses that said information about the user input comprises any of a request for contact, a request for information

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associated with the RIDS information in the message, or a request to order goods associated with the RIDS information (see section [0004]).

–Regarding to claim 10, Jarvi et al discloses that said service provider comprises a contact centre (115) (see figure 1) wherein the contact centre receives said message, extracts said RDS information from the message and routes the message to one (120) (see figure 1) of a plurality of contact centre agents on the basis of said RIDS information (see sections [0018, 0020]).

–Regarding to claim 11, Jarvi et al discloses that said RDS information extracted from the message comprises information about the origination of the RDS information and wherein that information is stored in (310) (see figure 3, and sections [0018, 0020]).

–Regarding to claim 12, Jarvi et al discloses that said RDS information extracted from the message comprises information about the origination of the RIDS information and wherein that information is stored in (310) (see figure 3, and sections [0018, 0020]).

–Regarding to claim 13, Jarvi et al discloses that said information about origination comprises time information “today” (see figure 6).

-Regarding to claim 15, Jarvi et al discloses that the user terminal is a personal digital assistant (see figure 1 and 4, and section [0024]).

-Regarding to claim 14, see figures 1 and 3-6 and sections [0016-0023], Jarvi et al discloses a user terminal (110) (see figure 1) arranged to automatically access a service provider (115, 120) on the basis of radio data system (RDS) information provided in a pre-specified template format and received as an encoded RDS data signal which is carried in conjunction with the normal encoded audio radio signal from a radio frequency broadcast said user terminal comprising:

an RIDS radio receiver (455) (see figure 4) arranged to receive said radio frequency broadcast and to extract said RDS information on the basis of said pre-specified template format;

a processor (450, 445) (see figure 4) arranged to create a message on the basis of at least some of said RDS information;

an output (405) (see figure 4) arranged to send said message to the service provider using either a pre-specified address or an address provided in the RDS information.

-Regarding to claim 16, see figures 1 and 3-6 and sections [0016-0023], Jarvi et al discloses contact centre (115) (see figure 1) comprising at least one input arranged to receive messages (125) comprising RDS information, a plurality of contact centre agents (120) and a router (145) arranged to route messages from the input to the contact centre agents and wherein said contact centre further (inherently) comprises a processor arranged to extract RDS information (e.g., SMS numbers, WAP addresses and URLs) from the messages and wherein said router is arranged to route said messages to the contact centre agents at least partly on the basis of the extracted RDS information (see [0016,0020, 0023, 0023-0026]).

-Regarding to claim 17, Jarvi et al discloses a database (310) (see figure 3) wherein said RDS information extracted from the message comprises information about the origination of the RDS information and this information is stored in the database.

-Regarding to claim 18, Jarvi et al discloses communications network (see figure 1) comprising a contact centre (115).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et al.

–Regarding to claims 19 and 20, see figures 1 and 3–6 and sections [0016–0023]discloses a method for a contact centre (115)(see figure 1)to perform:

step (115) of receiving messages (125)comprising RDS information, step (115) of extracting RDS information (e.g., SMS numbers, WAP addresses and URLs)from the received messages; and

step (115) of routing the messages (145)to contact centre agents (120) at least partly on the basis of the extracted RIDS information (see [0016,0020, 0023, 0023–0026]).

Jarvi et al does not specifically disclose the method is implemented with a computer program, which is used to control the contact centre to perform to the method.

However, using a programmable processor, which is executed or run by a computer program stored in its computer readable medium (e.g., ROM, RAM), in order to control operations of a system is well-known in the art, and the examiner takes Official Notice.

It would have been obvious for a person skilled in the art to implement Jarvi et al method with a computer program and a programmable processor, which is executed or run by the computer program stored in its computer readable medium, in order to control operations of the contact center to perform the method so that Jarvi et al system would be capable of programmable and operative in an automatically high-speed fashion.

Response to Arguments

5. Applicant's arguments filed on 3/3/05 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

SP


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5/16/05